REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded to the instant application by the Examiner. In the Office Action dated May 18, 2005, Claims 1, 3-5, 8-22 and 25-31 were rejected. Of the rejected claims, Claims 1, 20, and 31 are independent claims; the remaining claims being dependent. All of the Claims stand rejected under 35 U.S.C. §103(a) as being obvious over Pleso, U.S. Patent 6,009,480, in view of Chiles et al., U.S. Patent 6,167,567.

Presently independent Claims 1, 20, and 31 have been rewritten to recite, *inter alia*, wherein said reference to a network location contained within said device is updated upon determination by said interface logic that a more recent version of the network location reference is available. Furthermore, newly added Claims 33-35 are directed to a further limitation of the present invention and recite, *inter alia*, wherein said interface logic is further adapted to query a computer user whether to initiate a low-bandwidth transfer of the device driver upon recognition of a low-bandwidth connection. The Applicants intend no change in the scope of the claims by the changes made by this amendment. It should also be noted these amendments are not in acquiescence of the Office's position on the allowability of the claims, but merely to expedite prosecution. Reconsideration and withdrawal of the rejections is respectfully requested in light of the following remarks.

As was indicated in the Applicant's previous reply, Pleso appears to be directed to a method for downloading a device driver integrated within the device to a computing

operating system. (Col. 1, lines 9-12) Upon coupling the device with a computing system, and after recognition of the device as one requiring a device driver by the operating system, the device is able to download its driver to the operating system of the computer, thereby, alleviating the need to install the device driver independently of the device itself. In addition, it appears, Pleso appreciates that instead of integrating the device driver within the device itself, the device could instead integrate information directing an operating system to an Internet location where the appropriate driver could be downloaded to the computer operating system. (Col. 13, lines 26-33) Turning to the other cited reference, Chiles et al. seems to teach a technique for automatically updating software stored on a client computer within a networked client-server environment, thereby allowing the updating of software located on numerous client computers in the network through the central network server. (Col. 1, lines 8-17)

As the Examiner is assuredly aware, the most basic requirement for the imposition of an obviousness rejection is that the reference or a combination of references teach or suggest all of the claimed limitations of the invention to which the rejection is applied. In this instance the combination of Pleso and Chiles et al. does not teach or suggest all of the limitations contained in the presently amended claims. For example, the combined references fail to teach either of: an invention comprising a device which itself has a network location reference that is updated in such a manner so that the most recent network location reference is then stored on the device itself; or querying a computer user whether to proceed with a download upon determination that a low-bandwidth is being used for the proposed device driver download.

Pleso does not involve any updating techniques at all and specifically fails to teach or suggest the updating of a network location reference on the device itself as expressed in the present invention. Since Pleso fails to teach such a limitation it must be found in the Chiles et al. reference in order to properly maintain the current rejections. As discussed in Chiles et al., an update link is maintained by "[t]he manufacturer or network administrator (whichever one owns the update script)," who then "[c]an easily change the custom web update site, as needed, without effecting changes in any client registry" simply be adding the appropriate update site to the current script. (Col. 31, lines 41-44) In other words, "[N]etwok administrators can maintain the update site on an appropriate intranet file server(s) and use that server(s) to supply update scripts and files for all clients in the network." (Col. 10, lines 35-38)

In summary, it is clear neither reference teaches nor suggests a process or device in which a network location reference, from which an device driver can be downloaded, is updated on the device itself. Therefore, a 35 U.S.C. § 103(a) rejection to the amended claims would be improper at this time.

Briefly focusing upon the newly added claims, it should be immediately noted that neither reference alone nor in combination teaches the limitations reflected in the claims. Clearly, both references do not disclose a device or process in which a computer user is queried whether to initiate a low-bandwidth device-driver download upon recognition that a low-bandwidth connection is being used. At the very most, it arguable appears, that when the Chiles et al. process makes use of a remote internet location for housing software updates a browser is opened to the internet location from which the user is then

required to select the appropriate download and complete the process. However, such user interaction most definitely falls well short of teaching or suggesting the querying of a computer user depending upon a low-bandwidth determination triggering event as provided in at least one embodiment of the present invention. Therefore, Claims 33-35 are presently allowable over the cited art.

It should also be explained that both Pleso and Chiles et al. fail to provide any motivation for their combination. As was noted in the last reply, "[w]here references can be combined with one another to produce the claimed invention, a 35 U.S.C. § 103(a) obviousness rejection is proper if the combined cited references provide both the motivation to combine the references and an expectation of success. *See Pro-Mold & Tool Company v. Great Lakes Plastics, Inc.*, 75 F.3rd 1568 (Fed.Cir. 1996). The Court of Appeals for the Federal Circuit stated, '[P]rior art referenced in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combing their teachings.' *In re Imperato*, 179 USPQ 730 (C.C.P.A. 1973)."

In the present Action the Examiner indicated:

> At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the update method as taught by Chiles. One of ordinary skill in the art would have been motivated to do so [so] that the identification information and device drivers stored on the device as taught by Pleso can be updated by said device.
>
> It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references

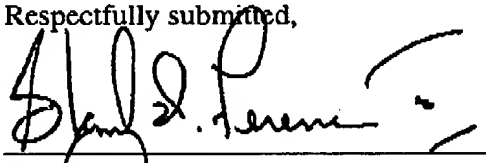
> because they are both directed to the problem of storing device drivers and identification. Moreover, the update means taught by Chiles would improve the flexibility of Pleso because it allowed the update process to further comprise version upgrades and error handling.

(Office Action, p. 3) It remains unclear how such a determination was reached or where in either of the references any particular support for such a conclusion can be inferred. It is the Applicant's continued position that such motivation is not present and, in any event being here concerned with the present amendment, any such motivation for the combination of references as to the amended and/or added claims most definitely fails to exist. If a device such as that described in Pleso were to be coupled to a computing system such as that contemplated in Chiles et al., i.e., a client-server network environment, there would be no need to have a device capable of downloading and integrating to itself an updated network location reference. The device in Pleso would simply download its driver (or indicate where to retrieve such a download) directly into the client computer operating system, which in view of Chiles et al. would be kept up-to-date via the server script and client-server network relationship. As was indicated in Chiles et al., above, a network administrator maintains a network location reference on a server so that such a location can be expressly controlled by the administrator through the script process, which is at the heart of the Chiles invention. It would run counter to the invention to have a device housing an updateable network reference link, as such would not be needed and would interfere with the control of the network administrators. Of course, the question of motivation is purely academic at this point since the combination does not teach all of the limitations of the present invention.

For the reasons given above, the Applicant respectfully submits for the Examiner's consideration that the prerequisite motivation needed to find an obviousness rejection is lacking, as well as the fact that the claimed invention is not the same as that produced through the combination of the references cited, thus, indicating again the claimed invention is not obvious under 35 U.S.C. § 103(a).

In view of the foregoing, it is respectfully submitted that Claims 1, 20, and 31 are fully distinguishable over the applied art and are, thus, presently in condition for allowance. By virtue of their dependence on what is believed to be independent Claims 1, 20, and 31, it is submitted that Claims 3-5, 8-19, 21-22, 25-30, and 33-35 are also presently allowable. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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